

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**JUXTACOMM TECHNOLOGIES, INC.,**

**Plaintiff,**

**v.**

**ASCENTIAL SOFTWARE  
CORPORATION, et al.,**

**Defendants.**

**Civil Action No. 2:07-CV-359 LED**

**JOINT MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 41(a)(2) and (c), Plaintiff JuxtaComm Technologies, Inc. (“JuxtaComm”) and Defendant Microsoft Corporation (“Microsoft”) hereby move this Court to dismiss in their entirety JuxtaComm’s claims against Microsoft and Microsoft’s counterclaims against JuxtaComm, with each party to bear its own costs, expenses and attorneys’ fees.

Dated: November 6, 2009

Respectfully submitted,

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By: /s/ Kelly C. Hunsaker

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on November 6, 2009, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Kelly C. Hunsaker

Kelly C. Hunsaker

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